

APPROVED AS TO FORM AND LEGALITY

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**RESOLUTION AUTHORIZING THE CITY OF OAKLAND TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) AMONG JURISDICTIONS IN THE EAST BAY HILLS TO FORM A WILDFIRE PREVENTION COORDINATING GROUP TO IMPROVE REGIONWIDE COLLABORATION ON WILDFIRE MITIGATION ACTIVITIES AND TO REDUCE WILDFIRE RISK THROUGHOUT THE EAST BAY HILLS**

**WHEREAS**, the series of historic wildfires throughout California and the Western United States in recent years demonstrates that the impacts of global climate change will continue to have potentially devastating local effects throughout the region; including habitat destruction, loss of life, economic impacts, infrastructural damage, and public health hazards associated with air quality; and

**WHEREAS**, reactive approaches to fire management and containment are deployed during times of crisis and overextend local and state resources; and

**WHEREAS**, the spread of wildfire does not respect political or jurisdictional boundaries; burning embers travel widely and air quality impacts from smoke extend throughout the region; and

**WHEREAS**, a large portion of the East Bay region, including the East Bay Hills from Hercules to Fremont are a CalFire designated high fire hazard severity zone; and

**WHEREAS**, a more coordinated approach among jurisdictions and investment in vegetation management and other wildfire prevention programs will help to mitigate the number and severity of wildfire events; and

**WHEREAS**, regional intergovernmental coordination may prove both more effective and more efficient in developing and implementing best practices, as well as sharing expertise and other resources; and

**WHEREAS**, the East Bay Region contains more than 20 municipalities, counties, and fire districts, including the City of Oakland, that may benefit from a coordinated fire management approach; and

**WHEREAS**, with support from local community organizations and individuals concerned with wildfire prevention, a group of public officials representing the counties, municipalities and fire districts in the East Bay Hills decided to create a formal structure for interested cities, counties and fire districts in the East Bay Hills to collaborate and meet their common goals regarding regional wildfire prevention; and

**WHEREAS**, these public officials have agreed that a Memorandum of Understanding (MOU), which provides the legal basis for the jurisdictions to work together to accomplish agreed upon goals, would be the most efficient and effective legal structure to create this intergovernmental collaboration, referred to as the “Wildfire Prevention Coordinating Group” (WPCG); and

**WHEREAS**, the counties of Alameda and Contra Costa, the cities of Berkeley, Oakland, Pinole and Richmond, and the Moraga-Orinda Fire District have all contributed financing to facilitate discussions about forming a WPCG and developing a draft MOU; and

**WHEREAS**, the participants in the MOU, referred to as Participating Agencies, would themselves decide upon goals, objectives, activities, any required budget and staffing, to support the WPCG; and

**WHEREAS**, participants have discussed several potential areas of collaboration, including: developing and implementing joint plans to reduce flammable wildland vegetation and replace it with wildfire resistant vegetation where appropriate; partnering together to identify and apply for state, federal or other grant funds to assist with regional wildfire risk mitigation activities; collaboration on local building and fire code updates; and planning together for wildfire evacuations and response, especially those that cross jurisdictional boundaries between one or more of the Participating Agencies; and

**WHEREAS**, each Participating Agency would appoint one member and one alternate from its governing body to serve on the WPCG. More specifically, all WPCG members and alternates shall be elected or appointed members of Boards of Supervisors, City or Town Councils, Boards of Directors, or a functional equivalent; and

**WHEREAS**, the WPCG will designate one of the Participating Agencies to serve as the WPCG's "Fiscal Agent," in which role that entity will (i) facilitate ongoing discussions of the WPCG, (ii) serve as the WPCG treasurer, and (iii) enter into contracts on behalf of the WPCG, if necessary; and

**WHEREAS**, signing the MOU and appointing a member to the WPCG would not obligate any Participating Agency to include other Participating Agencies in their individual wildfire prevention and risk mitigation activities; and

**WHEREAS**, signing the MOU and appointing a member to the WPCG would not alter any of the Participating Agencies' jurisdictional boundaries, existing cooperative efforts at the staff or Board/Council levels, or substantive legal authorities; and

**WHEREAS**, the MOU supplements, and does not replace, any prior or future agreements between any two or more Participating Agencies, including for contracted, shared or cooperative fire prevention and/or emergency medical services; and

**WHEREAS**, at any time and without cause, a Participating Agency may terminate its participation in this MOU by giving sixty (60) days' prior written notice to the other Participating Agencies; and

**WHEREAS**, Article V, Section 504(1) of the City Charter requires that the City Council authorize the City Administrator to enter into an agreement between the City and other public agencies; now, therefore, be it

**RESOLVED:** That the City Council authorizes the City Administrator to enter into a Memorandum of Understanding with other the Participating Agencies in the East Bay Hills region, including but not limited to the Counties of Alameda and Contra Costa, the cities of Berkeley, Oakland, Pinole and Richmond, and the Moraga-Orinda Fire District, in order to improve collaboration on wildfire prevention activities and improve safety throughout the region; and be it

**FURTHER RESOLVED:** That in accordance with Article IV, Section 401(6) of the City Charter, the agreement authorized by this resolution shall be approved by as to form and legality before execution, and a copy of the fully executed agreement shall be placed on file with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND  
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_  
ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California

